

The opinion in support of the decision being entered today is not binding precedent of the Board.

Filed by: Trial Section Merits Panel
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

Paper 27

Filed
12 March 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

W. FRENCH ANDERSON, R. MICHAEL BLAESE
and STEVEN A. ROSENBERG,

MAILED

MAR 12 2002

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Junior Party,
(Patent 5,399,346),

v.

RICHARD SELDEN,

Senior Party
(Application 08/465,582),

Patent Interference 104,710 (McK)

Before: McKELVEY, Senior Administrative Patent Judge, and GARDNER-LANE and MEDLEY, Administrative Patent Judges.

McKELVEY, Senior Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

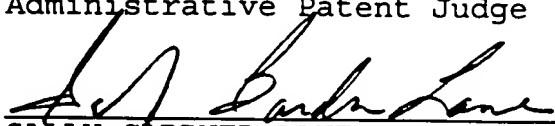
Upon consideration of the REQUEST FOR ENTRY OF ADVERSE JUDGMENT (Paper 33) filed by Seldon, it is

ORDERED that judgment on priority as to Count 1 (Paper 1, page 6), the sole count in the interference, is awarded against senior party RICHARD SELDEN.

FURTHER ORDERED that senior party RICHARD SELDEN is not entitled to a patent containing claim 36 (corresponding to Count 1) of application 08/465,582, filed 5 June 1995.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 08/465,582 and U.S. Patent 5,399,346.

MCK

FRED E. McKELVEY, Senior Administrative Patent Judge	SALLY GARDNER-LANE Administrative Patent Judge	SALLY C. MEDLEY Administrative Patent Judge	BOARD OF PATENT APPEALS AND INTERFERENCES
			

103,710
cc (via First Class Mail)

Attorney for Anderson
(real party in interest
United States of America as represented by the Department
of Health and Human Services; licensee Genetic Therapy, Inc.):

John Kilyk, Jr., Esq.
Jeffrey B. Burgan, Esq.
Bruce M. Gagala, Esq.
LEYDIG, VOIT & MAYER, LTD
Two Prudential Plaza
Suite 4900
Chicago, IL 60601

Tel: 312-616-5600
Fax: 312-616-5700
E-mail: jkilyk@leydig.com
E-mail: jbburgan@leydig.com
E-mail: bgagala@leydig.com

James C. Haight, Esq.
NATIONAL INSTITUTES OF HEALTH
Office of Technology Transfer
6011 Executive Blvd.
Suite 325
Rockville, MD 20852-3804

Tel: 301-496-7056 - ext. 242
Fax: 301-402-0220
E-mail: jh34m@nih.gov

Attorneys for Selden
(real party in interest
Transkaryotic Therapies, Inc.,
licensee of The General Hospital
Corporation, Inc., and Hoechst A.G.):

Charles E. Lipsey, Esq.
Kenneth J. Meyers, Esq.
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.
1300 I Street, N.W.
Washington, D.C. 20005-3315

Tel: 202-408-4000
Tel: 202-408-4019 (Lipsey)
Tel: 202-408-4033 (Meyers)
Fax: 202-408-4400
E-mail: charles.lipsey@finnegan.com
E-mail: ken.meyers@finnegan.com
E-mail: michael.siekman@finnegan.com